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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,085	07/13/2005	Masaaki Ikeda	576P075	6741
42754	7590	04/09/2008	EXAMINER	
Nields & Lemack 176 E. Main Street Suite #5 Westboro, MA 01581			THOMPSON, CAMIE S	
ART UNIT	PAPER NUMBER		1794	
MAIL DATE	DELIVERY MODE			
04/09/2008	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/542,085	IKEDA ET AL.
	<b>Examiner</b> Camie S. Thompson	<b>Art Unit</b> 1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on *RCE filed 3/17/08*.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1,3-8,10-18,21 and 24 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1,3-8, 10-17, 21 is/are allowed.
- 6) Claim(s) 18 and 24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 17, 2008 has been entered.
2. Applicant's amendment and accompanying remarks filed March 17, 2008 are acknowledged.
3. Examiner acknowledges amended claims 18, 21 and 24.
4. Examiner acknowledges cancelled claims 19-20, 22-23 and 25-27.
5. The rejection of claims 1, 3-8, 10-17 and 25-27 under 35 U.S.C. 112, first paragraph is withdrawn due to applicant's argument.

### ***Claim Rejections - 35 USC § 102***

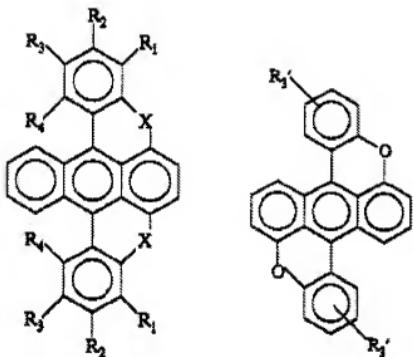
6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 18 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0629512.

The European reference discloses polycyclic condensed compounds with the general structure

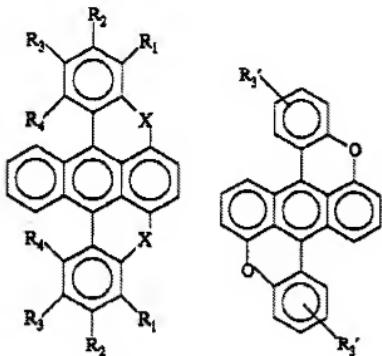


It is disclosed on page 5, lines 20-40 that X can be oxygen, sulfur or nitrogen. Also, it is disclosed on page 5 that R<sub>1</sub> to R<sub>5</sub> can be hydrogen or a halogen atom such as bromine or chlorine. R<sub>3</sub> can be placed at the ortho, meta or para position and would read on present claim 18 when a halogen is present at the para position. The reference reads on present claim 24 when X is oxygen and R<sub>1</sub> to R<sub>5</sub> can be hydrogen or a halogen.

8. Claims 1, 3-8, 10-17 and 21 are allowed. The prior art does not provide for the recited light emitting device comprising the polycyclic condensed compounds as represented by formulae (3) and (4). Additionally, the prior art does not provide for the polycyclic condensed compound represented by formula (6).

*Response to Arguments*

9. Applicant's arguments filed March 17, 2008 have been fully considered but they are not persuasive. Applicant has amended claims 18 and 24 to include at least one of R31, R33, R38 and R40 in formula (5) is a halogen atom and at least one of R59, R61, R64 and R66 in formula (7) is a halogen atom. The European reference discloses



wherein R1-R4 can be alkyl or halogen atom. R3 can be located at the ortho, meta or para position. When R3 is at the para position and represented by a halogen atoms, the compounds read on the present claims. The rejection is maintained.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached at (571) 272-1478. The fax phone number for the Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Bruce H Hess/

Primary Examiner, Art Unit 1794